



REMARKS

Reconsideration of this application is respectfully requested.

To simplify claim amendments, claims 4-20 and 22-43 have simply been cancelled without prejudice or disclaimer in favor of new claims 50-60. Accordingly, the now pending claims are only claims 43-60.

For the Examiner's possible interest and assistance, new claims 50-55 are comparable to now cancelled claims 12, 19, 20, 23, 24 and 25. Claim 56 is a new claim. Claims 57-60 are comparable to now cancelled claims 26, 27, 36 and 43. Dependent claim 44 has been amended so as to now depend from claim 60. Claims 45-49 remain without amendment.

The rejection of claims 4-20 and 22-49 under 35 U.S.C. §102 as allegedly anticipated by newly cited Babayev et al '121 is respectfully traversed.

It is very difficult to follow the Examiner's comments. For example, at pages 2-5, the Examiner lumps together comments "as per" some twenty seven different ones of the applicant's claims. However, the text strings that follow with parenthetical notations to column and lines numbers of the reference do not appear to constitute quotations from either applicant's claims or from the text of the reference (albeit occasional word matches can be surmised).

Taking the first reference to claim 4 as an example, it is noted that this particular claim explicitly deals with providing services in a distributed processing environment. Both the preamble and the body of claim 4 require a distributed processing environment. Yet, none of the Examiner's comments appear to deal at all with a distributed processing environment. Furthermore, so far as undersigned can ascertain, the Babayev '121 reference also fails to have

any teaching or suggestion with respect to the distributed processing environment required by claim 4.

The first "integer" recited in the body of claim 4 reads:

"An input connected to a distributed processing environment for receiving a service request from an entity".

The Examiner's comments began with the following text string:

"An input.../receiving a request.../receiving a service request...(col. 14, lines 35-40)".

While column 14, line 35-40 do correspond to Babayev's claim 18 "input means...", the text string used by the Examiner does not correspond exactly to either applicant's claim language or Babayev's claim language. Furthermore, as already noted above, there is clearly no mention anywhere at column 14, lines 35-40 of any distributed processing environment. Nor is there any mention of that feature of applicant's claim in the Examiner's remarks -- or anywhere in Babayev '121. Accordingly, how is it conceivable that this reference could anticipate claim 4 -- without even considering the substantial remainder of claim 4 and the similarly difficult to follow comments by the Examiner?

It appears that Babayev actually discloses a centralized scheduler dealing only with known resources. Scheduling of those known resources is done "on the fly" in real time upon receiving a request for services.

By contrast, the applicant's invention relates to distributed system for allocating diverse resources which, at any given instance, are really not known. In this very different context associated with a quite different problem, the applicant uses service level agreements (SLA -- see the definition at page 3, lines 18-22) that have been negotiated in advance between resource

providers. The applicant's invention acts upon stored SLA pre-negotiated data (which may automatically "time out" at some point in an attempt to avoid unrealistic results) instead of attempting to actually schedule known resources in real time.

Furthermore, the applicant's system can "build" virtual organizations by selecting resource providers from a wider community so as to provide services requiring multiple different resource components and pre-negotiating SLAs among the selected set. These, in particular, are set to "time out" so as to avoid service provision failures due to lack of updating.

By contrast, Babayev does not show any interaction with resource providers at all -- because the resource provision is really already a known quantity in Babayev's centralized scheduling system.

Applicant's new claim 50 requires a service provisioning system that includes a program computer for negotiating with another entity, in response to a request from that other entity to provide a service. That negotiating includes use of a data store containing data about the system that is related to a measure of current system capacity to provide service while also being arranged to negotiate, based at least in part, on such data to provide a service in response to a request. Claim 50 also requires the updating of such data on the basis of past performance of the system. Babayev '121 is not believed to teach or suggest such a system.

New claim 51 is directed to a distributed computing environment comprising plural systems, each system being for use in providing services in a distributed processing environment and including a number of integers specifically recited in the body of the claim. Among other things, the plural systems are required to be interconnected by communications network and at least one of them must be arranged to provide more than one instance of a service or of a

negotiation for a service to one or more requesting systems concurrently. Furthermore, each of the systems must be associated with a plurality of organizations, each system accessing stored parameters in an up-datable data store with respect to each of its associated plurality of organizations so as to provide a virtual organization. There is simply no such teaching or suggestion anywhere in Babayev et al '121.

Dependent claim 52 requires the virtual organization to exist for only a predetermined period. Clearly there is no such teaching or suggestion in Babayev et al '121.

New claim 53 is directed to a service provision system for use in distributed processing environments. Among other things, claim 53 requires the processor to access one or more of previously established conditions in a data store in processing an incoming service request and producing a response. Those previously established conditions are also required to be established by the negotiating means which establishes conditions applicable to provision of component processes, etc. -- all in the context of a distributed processing environment. As already noted, Babayev is simply inapplicable.

Dependent claims 54-58 add yet further patentable distinction to the invention recited in claim 53.

Method claims 59 and 60 can be analogized to apparatus claims 50 and 51 already commented upon above. Dependent claim 44 requires the virtual organization to exist only for a predetermined time.

Claims 45-49 are also all directed towards service provision methods for distributed processing environments. Simply stated, the many of the integers recited in the body of these

claims simply have no relation to the centralized Babayev '121 system dealing always with known resources and performing scheduling of actual known resources in real time in response to successive individual service requests.

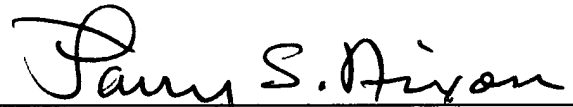
Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page/s is/are captioned "Version With Markings To Show Changes Made."

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Amend claim 44 as shown below:

44. (Amended) A distributed computing method as in claim [43] 60 wherein the virtual organization exists for a predetermined period.